

**APPROVED**  
**BOARD OF DENTISTRY**  
**MINUTES**  
**SPECIAL CONFERENCE COMMITTEE "A" MEETING**

**TIME AND PLACE:** Special Conference Committee "A" convened on February 2, 2007, at 2:06 p.m., at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

**FIRST CONFERENCE:** 2:06 p.m.

**PRESIDING:** Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:** Glenn A. Young, D.D.S.

**MEMBERS ABSENT:** Millard D. Stith, Jr.

**STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

**QUORUM:** With two members of the Committee present, a quorum was established.

**Joseph Fusaro, D.D.S.  
Case No. 99198** Joseph Fusaro, D.D.S., appeared without counsel, to discuss allegations that he may have violated § 54.1-2706(4) of the Code, in that on or about June 2, 2004, he prepared a proposed treatment plan for Patient A, which upon review by a subsequent dentist, was deemed to be excessive and involved unwarranted/unnecessary treatment.

The Committee received Dr. Fusaro's statements and discussed the evidence in the case with him.

**Closed Meeting:** Dr. Young moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Joseph Fusaro, D.D.S. Additionally, Dr. Young moved that Board staff, Patricia Larimer and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:** The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Young moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision:** Dr. Gokli reported that the Committee determined that a violation of the Board's statutes and regulations was not established by clear and convincing evidence, and therefore, the case is dismissed. Dr. Young moved to adopt the decision of the Committee. The motion was seconded and passed.

**SECOND CONFERENCE:** 3:04 p.m.

**PRESIDING:** Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:** Glenn A. Young, D.D.S.

**MEMBERS ABSENT:** Millard D. Stith, Jr.

**STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

**QUORUM:** With two members of the Committee present, a quorum was established.

**Anne S. McDonald, D.M.D.  
Case Nos. 100901, 107065  
and 107370**

Anne S. McDonald, D.M.D., appeared with counsel, Michael Charnoff, Esq., to discuss allegations that she may have:

1. violated § 54.1-2706(5) and (11) of the Code, in that, on or about December 2005, during Dr. McDonald's treatment of Patient A, she failed to wash her hands after using the restroom, and failed to change gloves between patients.
2. violated § 54.1-2706(5) and (11) of the Code, in that, on or about December 2005, during the course of

treatment of Patient A, Dr. McDonald failed to properly prepare and deliver a crown to tooth #19, in that, the crown she delivered had an open margin on the distal buccal. The crown was removed by another dentist on January 12, 2006, at which time the tooth was re-prepped, core build-up performed, and a new crown delivered.

3. violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(4) of the Regulations of the Board of Dentistry, in that in December 2005, Dr. McDonald failed to document prescriptions for Amoxicillin (C-IV) and Vicodin (C-III) in Patient A's dental records.
4. violated § 54.1-2706(5) of the Code, in that, on or about September 2005, during treatment of Patient B, Dr. McDonald failed to diagnose and treat caries in teeth #3, 7, 11, 12 and 14, which were detected by another dentist in January 2006.
5. violated § 54.1-2706(9) and § 54.1-2719.B of the Code, and 18 VAC 60-20-15(8) of the Regulations of the Board of Dentistry, in that during an unannounced inspection of Dr. McDonald's practice on January 17, 2006, by a Department of Health Professions' inspector, it was noted that duplicate laboratory work orders did not consistently include the address and signature of the dentist.
6. violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(2) of the Regulations of the Board of Dentistry, in that Dr. McDonald failed to document updated health histories in her dental records on a yearly basis, as required.

The Committee received Dr. McDonald's statements and discussed the evidence in the case with her.

The Committee received statements from Loretta Hopson-Bush, Compliance Case Manager.

**Closed Meeting:**

Dr. Young moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Anne S. McDonald, D.D.S. Additionally, Dr. Young moved that Board staff, Patricia Larimer and Cheri Emma-

Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:**

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Young moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision:**

Ms. Kiczales stated the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. McDonald holds a current Virginia dental license;
2. Allegation #1 as outlined in the Notice of Informal Conference was dismissed.
3. Allegation #2 was amended, in that Dr. McDonald violated § 54.1-2706(5) of the Code, in that, on December 13, 2005, during the course of treatment of Patient A, Dr. McDonald failed to deliver a properly fitting crown to tooth #19, in that, the crown she delivered had an open margin and open contact on the distal buccal. Further, there is no documentation in the chart on December 13, 2005 to substantiate Dr. McDonald's statement to the Committee that the crown was only meant to be a temporary.
4. Allegations #3 and #4 as outlined in the Notice of Informal Conference were dismissed.
5. Allegation #5 was adopted as outlined in the Notice of Informal Conference.
6. Allegation #6 as outlined in the Notice of Informal Conference was dismissed.
7. Additional Finding of Facts were adopted, to note Dr. McDonald's compliance with the Board Order entered October 1, 2004.

The sanctions reported by Ms. Kiczales were that Dr. McDonald be reprimanded, assessed a \$2,500.00 monetary penalty, and be required to complete four (4) continuing education hours in recordkeeping.

Dr. Young moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Kiczales. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. McDonald unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. McDonald. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.**

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 4:45 p.m.

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Meera A. Gokli, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date